



68.1644  
PATENT  
Docket No. 398802000500

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on December 7, 1998.

*Jinny Nguyen*  
Jinny Nguyen

164  
1653  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Richard C. ALLEN, et al.

Serial No.: 09/002,413

Filing Date: January 2, 1998

For: USE OF PIGMENTED RETINAL  
EPITHELIAL CELLS FOR CREATION  
OF AN IMMUNE PRIVILEGE SITE

Examiner: Unassigned

Group Art Unit: 1644

TRANSMITTAL

RECEIVED  
DEC 15 1998  
GROUP 1800

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Enclosed please find the following:

Revocation of Prior Power of Attorney and Power of Attorney by Inventors,

Declaration for Utility Patent Application,

Prosecution By Assignee and Power of Attorney Under C.F.R. § 3.71,

Certificate under 37 C.F.R. § 3.73(b) with copies of Assignment, and

Return Postcard.

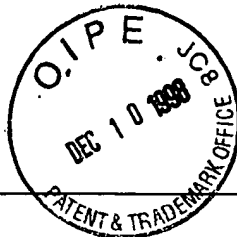
The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No. 03-1952 (Our Reference 398802000500).

Respectfully submitted,

Dated: December 4, 1998

By: Gladys H. Monroy  
Gladys H. Monroy  
Registration No. 32,430

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5711  
Facsimile: (650) 494-0792

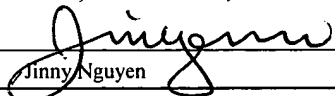


PATENT  
Docket No. 398802000500

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Davis  
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**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

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Jinny Nguyen

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Richard C. ALLEN, et al.

Serial No.: 09/002,413

Filing Date: January 2, 1998

For: USE OF PIGMENTED RETINAL  
EPITHELIAL CELLS FOR CREATION  
OF AN IMMUNE PRIVILEGE SITE

Examiner: Unassigned

Group Art Unit: 1644

**REVOCATION OF PRIOR POWER OF ATTORNEY  
AND POWER OF ATTORNEY BY INVENTORS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, joint inventor of the above-referenced patent application, hereby revoke all Powers of Attorney previously granted relating to this application and appoint as my attorneys or agents, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected herewith:

Thomas E. Ciotti (Reg No. 21,013)  
Gladys H. Monroy (Reg No. 32,430)  
E. Thomas Wheelock (Reg No. 28,825)  
Shmuel Livnat (Reg No. 33,949)  
Antoinette F. Konski (Reg No. 34,202)  
David C. Lundmark (Reg No. P-42,815)  
Mani Adeli (Reg No. 39,585)  
Sean Brennan (Reg No. 39,917)  
Robert K. Cerpa (Reg No. 39,933)

Kate H. Murashige (Reg No. 29,959)  
Debra A. Shetka (Reg No. 33,309)  
Susan K. Lehnhardt (Reg No. 33,943)  
Tyler Dylan (Reg No. 37,612)  
Harry J. Macey (Reg No. 32,818)  
Robert Saltzberg (Reg No. 36,910)  
Catherine M. Polizzi (Reg No. 40,130)  
J. Michael Schiff (Reg No. 40,253)  
Lee K. Tan (Reg No. 39,447)

Alan W. Cannon (Reg No. 34,977)  
Dahna S. Pasternak (Reg No. 41,411)  
Frank Wu (Reg No. 41,386)  
Barry E. Bretschneider (Reg No. 28,055)  
Mark R. Carter (Reg No. 39,131)  
E. Victor Donahue (Reg No. 35,492)  
Thomas G. Wiseman (Reg No. 35,046)  
Ararat Kapouytian (Reg No. 40,044)  
Nicholas Buffinger (Reg No. 39,124)  
Paula A. Borden (Reg No. 42,344)  
Jung-Hua Kuo (Reg No. 41,918)  
Raj S. Davé (Reg No. P-42,465)

Madeline I. Johnston (Reg No. 36,174)  
Stephen C. Durant (Reg No. 31,506)  
Hector Gallegos (Reg No. 40,614)  
Charles D. Holland (Reg No. 35,196)  
Michael Hetherington (Reg No. 32,357)  
Thomas D. Mays (Reg No. 34,524)  
Wen Liu (Reg No. 32,822)  
Cindy S. Kaplan (Reg No. 40,043)  
Richard D. Jordan (Reg No. 33,519)  
Niki D. Cox (Reg No. 42,446)  
William C. Revelos (Reg No. P-42,101)  
Sean M. Fitzgerald (Reg No. 42,537)

all of Morrison & Foerster <sup>LLP</sup>, 755 Page Mill Road, Palo Alto, California 94304-1018,  
telephone: (650) 813-5600.

Please direct all communications relative to this application to:

Gladys H. Monroy  
Morrison & Foerster <sup>LLP</sup>  
755 Page Mill Road  
Palo Alto, California 94304-1018

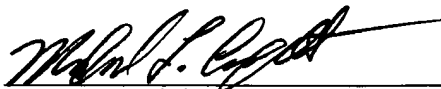
Please direct all telephone communications to Gladys H. Monroy at (650) 813-5711.

Respectfully submitted,

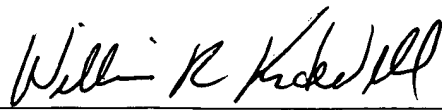
Dated: 10/30, 1998

By:   
Name: Richard C. Allen

Dated: 10/30, 1998

By:   
Name: Michael L. Cornfeldt

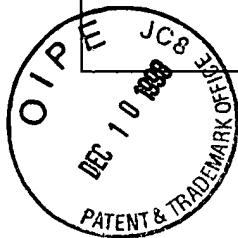
Dated: 11/3, 1998

By:   
Name: William R. Kidwell

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Assistant Commissioner for Patents, Washington, D.C. 20231, on December 7, 1998.

  
Jinny Nguyen



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Richard C. ALLEN, et al.

Serial No.: 09/002,413

Filing Date: January 2, 1998

For: USE OF PIGMENTED RETINAL  
EPITHELIAL CELLS FOR CREATION  
OF AN IMMUNE PRIVILEGE SITE

Examiner: Unassigned

Group Art Unit: 1644

PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71

Assistant Commissioner for Patents  
Washington, D.C. 20231

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GROUP 1800

Dear Sir:

Theracell, Inc., the assignee of the entire right, title and interest in this patent application,  
under 37 C.F.R. § 3.71 hereby appoints:

Thomas E. Ciotti (Reg No. 21,013)  
Gladys H. Monroy (Reg No. 32,430)  
E. Thomas Wheelock (Reg No. 28,825)  
Shmuel Livnat (Reg No. 33,949)  
Antoinette F. Konski (Reg No. 34,202)  
David C. Lundmark (Reg No. P-42,815)  
Mani Adeli (Reg No. 39,585)  
Sean Brennan (Reg No. 39,917)  
Robert K. Cerpa (Reg No. 39,933)  
Alan W. Cannon (Reg No. 34,977)  
Dahna S. Pasternak (Reg No. 41,411)

Kate H. Murashige (Reg No. 29,959)  
Debra A. Shetka (Reg No. 33,309)  
Susan K. Lehnhardt (Reg No. 33,943)  
Tyler Dylan (Reg No. 37,612)  
Harry J. Macey (Reg No. 32,818)  
Robert Saltzberg (Reg No. 36,910)  
Catherine M. Polizzi (Reg No. 40,130)  
J. Michael Schiff (Reg No. 40,253)  
Lee K. Tan (Reg No. 39,447)  
Madeline I. Johnston (Reg No. 36,174)  
Stephen C. Durant (Reg No. 31,506)

Frank Wu (Reg No. 41,386)  
Barry E. Bretschneider (Reg No. 28,055)  
Mark R. Carter (Reg No. 39,131)  
E. Victor Donahue (Reg No. 35,492)  
Thomas G. Wiseman (Reg No. 35,046)  
Ararat Kapouytian (Reg No. 40,044)  
Nicholas Buffinger (Reg No. 39,124)  
Paula A. Borden (Reg No. 42,344)  
Jung-Hua Kuo (Reg No. 41,918)  
Raj S. Davé (Reg No. P-42,465)  
Richard D. Jordan (Reg No. 33,519)

Hector Gallegos (Reg No. 40,614)  
Charles D. Holland (Reg No. 35,196)  
Michael Hetherington (Reg No. 32,357)  
Thomas D. Mays (Reg No. 34,524)  
Wen Liu (Reg No. 32,822)  
Cindy S. Kaplan (Reg No. 40,043)  
Richard D. Jordan (Reg No. 33,519)  
Niki D. Cox (Reg No. 42,446)  
William C. Revelos (Reg No. P-42,101)  
Sean M. Fitzgerald (Reg No. 42,537)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018,  
telephone (650) 813-5600, to prosecute this application and transact all matters in the United  
States Patent and Trademark Office connected therewith, said appointment to be to the exclusion  
of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all written communications relative to this application to:

Gladys H. Monroy  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

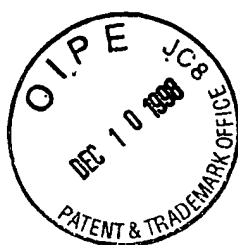
Please direct all telephone communications to Gladys H. Monroy at (650) 813-5711.

Theracell, Inc.  
a Delaware corporation

Dated: 11-4, 1998



Name: Richard C. Allen  
Title: President & CEO  
Address: 50 Division St.  
Somerville, NJ 08876



PATENT  
Docket No. 398802000500

## DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **USE OF PIGMENTED RETINAL EPITHELIAL CELLS FOR CREATION OF AN IMMUNE PRIVILEGE SITE**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on January 2, 1998 as United States Application Serial No. 09/002,413.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10-30-98  
Date

Richard C. Allen  
Name: Richard C. Allen  
Residence: 155 Hillcrest Road, Flemington, NJ 08822  
Citizenship: U.S.A.  
Post Office Address: Same as above

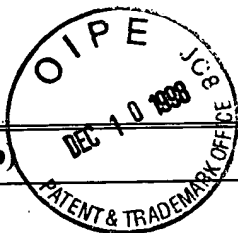
10/30/98  
Date

Michael L. Cornfeldt  
Name: Michael L. Cornfeldt  
Residence: 22 Canterbury Way, Morristown, NJ 07960  
Citizenship: U.S.A.  
Post Office Address: Same as above

11/3/98  
Date

William R. Kidwell  
Name: William R. Kidwell  
Residence: 10905 Lowell Court, Ijamsville, MD  
Citizenship: U.S.A.  
Post Office Address: Same as above





PTO/SB/96 (10-92)

## CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Docket No. 398802000500

In the application of: Allen et al.  
Serial No.: 09/000,413  
Filed: January 2, 1998  
For: USE OF PIGMENTED RETINAL EPITHELIAL CELLS FOR CREATION OF AN IMMUNE PRIVILEGE SITE

Theracell, Inc. a Delaware corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From :  
To:  
The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.
2. From :  
To:  
The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.
3. From :  
To:  
The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 11-4-98

Name: RICHARD C. ALLEN  
Title: PRESIDENT + CEO

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DEC 15 1998  
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COPY

ASSIGNMENT  
JOINT

THIS ASSIGNMENT, by Richard C. Allen, Michael L. Cornfeldt, and William R. Kidwell (hereinafter referred to as the assignors), residing at 155 Hillcrest Road, Flemington, NH 08822, 22 Canterbury Way, Morristown, NJ 07960, and 10965 Lowell Court, Ijamsville, MD 21754, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in USE OF PIGMENTED RETINAL EPITHELIAL CELLS FOR CREATION OF AN IMMUNE PRIVILEGE SITE, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/002,413 and filed on January 2, 1998; and

WHEREAS, Theracell, Inc., a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 50 Division Street, Suite 503, Somerville, NJ 08876 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon;

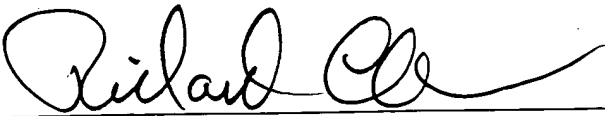
NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.


AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

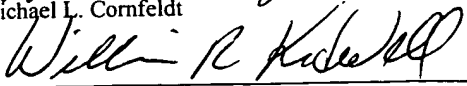
10-30-98  
Date

  
Richard C. Allen

10/30/98  
Date

  
Michael L. Cornfeldt

11/3/98  
Date

  
William R. Kidwell